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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments/Amendments

1.   Objection to the Specification has been withdrawn.

2.   Objection to the Claim has been withdrawn.

3.   Rejections directed to 35 U.S.C. 112 have been withdrawn.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). *See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used
to overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent either is shown to be commonly owned with this
application, or claims an invention made as a result of activities undertaken within the scope of a
joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR
3.73(b).

5.   Claims 2, 3, 5, 6 and 7 are provisionally rejected on the ground of nonstatutory
obviousness-type double patenting as being unpatentable over claim 1, 4, 5, 9, 10 and 11 of
copending Application No. 10/722965. Although the conflicting claims are not identical, they are
not patentably distinct from each other because of the following:

Regarding Claim 2, the copending application No. 10/722965 discloses that (Claim 1) a method
to operate a wireless network with a mobile station MS, comprising: registering the MS with a
correspondent node CN; sending data from the CN to a Content Proxy Server identified by the
MS; and determining a current location of the MS with the Content Proxy Server, setting up a

Point to Point Protocol PPP between the MS at its current location and the wireless network, and

routing the data from the Content Proxy Server to the MS at its current location; the method

(Claim 4) further comprising, in response to detecting that the MS has changed its location in the

wireless network, and that the MS is in an Idle state, sending a message from the MS to a base

station BS, the message indicating the current location of the MS; and triggering the sending of

further messages in the wireless network from the BS to a Packet Control Function PCF, and

from the PCF to a Packet Data Serving Node PDSN, and from the PDSN to an Authentication,

Authorization and Accounting AAA server such that information that is indicative of a current

BS/PCF/PDSN affiliation of the MS at the current location of the MS is recorded by the AAA

server, where the Content Proxy Server determines the current location of the MS by sending a

query to the AAA server.

Applicant's Claim 2 merely broaden the scope of the copending application Claim 4 by

eliminating the elements presented in Claim 1.

Regarding Claim 3, the copending application No. 10/722965 discloses that (Claim 1) a method

to operate a wireless network with a mobile station MS, comprising: registering the MS with a

correspondent node CN; sending data from the CN to a Content Proxy Server identified by the

MS; and determining a current location of the MS with the Content Proxy Server, setting up a

Point to Point Protocol PPP between the MS at its current location and the wireless network, and

routing the data from the Content Proxy Server to the MS at its current location; the method

(Claim 4) further comprising, in response to detecting that the MS has changed its location in the wireless network, and that the MS is in an Idle state, sending a message from the MS to a base station BS, the message indicating the current location of the MS; and triggering the sending of further messages in the wireless network from the BS to a Packet Control Function PCF, and from the PCF to a Packet Data Serving Node PDSN, and from the PDSN to an Authentication, Authorization and Accounting AAA server such that information that is indicative of a current BS/PCF/PDSN affiliation of the MS at the current location of the MS is recorded by the AAA server, where the Content Proxy Server determines the current location of the MS by sending a query to the AAA server; (Claim 5) where the MS is identified at least in part by its International Mobile Subscriber Identity IMSI, and where the PDSN is identified by its Internet Protocol IP address.

Applicant's Claim 3 merely broaden the scope of the copending application Claim 5 by eliminating the elements presented in Claim 1.

Regarding Claim 5, the copending application No. 10/722965 discloses that (Claim 1) a method to operate a wireless network with a mobile station MS, comprising: registering the MS with a correspondent node CN; sending data from the CN to a Content Proxy Server identified by the MS; and determining a current location of the MS with the Content Proxy Server, setting up a Point to Point Protocol PPP between the MS at its current location and the wireless network, and routing the data from the Content Proxy Server to the MS at its current location; the method

(Claim 4) further comprising, in response to detecting that the MS has changed its location in the wireless network, and that the MS is in an Idle state, sending a message from the MS to a base station BS, the message indicating the current location of the MS; and triggering the sending of further messages in the wireless network from the BS to a Packet Control Function PCF, and from the PCF to a Packet Data Serving Node PDSN, and from the PDSN to an Authentication, Authorization and Accounting AAA server such that information that is indicative of a current BS/PCF/PDSN affiliation of the MS at the current location of the MS is recorded by the AAA server, where the Content Proxy Server determines the current location of the MS by sending a query to the AAA server; (Claim 9) where detecting comprises receiving a sub-paging zone identifier with the MS, comparing the received sub-paging zone identifier with a previously received sub-paging zone identifier, and detecting that the MS has changed its location in the wireless network when the received sub-paging zone identifier does not match with the previously received sub-paging zone identifier.

Applicant's Claim 5 merely broaden the scope of the copending application Claim 9 by eliminating the elements presented in Claim 1.

Regarding Claim 6, the copending application No. 10/722965 discloses that (Claim 1) a method to operate a wireless network with a mobile station MS, comprising: registering the MS with a correspondent node CN; sending data from the CN to a Content Proxy Server identified by the MS; and determining a current location of the MS with the Content Proxy Server, setting up a

Point to Point Protocol PPP between the MS at its current location and the wireless network, and routing the data from the Content Proxy Server to the MS at its current location; the method (Claim 4) further comprising, in response to detecting that the MS has changed its location in the wireless network, and that the MS is in an Idle state, sending a message from the MS to a base station BS, the message indicating the current location of the MS; and triggering the sending of further messages in the wireless network from the BS to a Packet Control Function PCF, and from the PCF to a Packet Data Serving Node PDSN, and from the PDSN to an Authentication, Authorization and Accounting AAA server such that information that is indicative of a current BS/PCF/PDSN affiliation of the MS at the current location of the MS is recorded by the AAA server, where the Content Proxy Server determines the current location of the MS by sending a query to the AAA server; (Claim 10) where the information comprises a sub-paging zone identifier SPZ_ID, a paging zone identifier PZID, and an Internet Protocol IP address of a Packet Data Serving Node PDSN.

Applicant's Claim 6 merely broaden the scope of the copending application Claim 10 by eliminating the elements presented in Claim 1.

Regarding Claim 7, the copending application No. 10/722965 discloses that (Claim 1) a method to operate a wireless network with a mobile station MS, comprising: registering the MS with a correspondent node CN; sending data from the CN to a Content Proxy Server identified by the MS; and determining a current location of the MS with the Content Proxy Server, setting up a

Point to Point Protocol PPP between the MS at its current location and the wireless network, and

routing the data from the Content Proxy Server to the MS at its current location; the method

(Claim 4) further comprising, in response to detecting that the MS has changed its location in the

wireless network, and that the MS is in an Idle state, sending a message from the MS to a base

station BS, the message indicating the current location of the MS; and triggering the sending of

further messages in the wireless network from the BS to a Packet Control Function PCF, and

from the PCF to a Packet Data Serving Node PDSN, and from the PDSN to an Authentication,

Authorization and Accounting AAA server such that information that is indicative of a current

BS/PCF/PDSN affiliation of the MS at the current location of the MS is recorded by the AAA

server, where the Content Proxy Server determines the current location of the MS by sending a

query to the AAA server; (Claim 10) where the information comprises a sub-paging zone

identifier SPZ_ID, a paging zone identifier PZID, and an Internet Protocol IP address of a Packet

Data Serving Node PDSN; (Claim 11) where querying the AAA server is performed in response

to an occurrence of a network initiated data session NIDS for the MS, and where the AAA server

returns at least the SPZ_ID, PZID and PDSN IP Address that are recorded for the MS.

Applicant's Claim 7 merely broaden the scope of the copending application Claim 11 by

eliminating the elements presented in Claim 1.

It has been held that the omission of an element and its function is an obvious expedient if the

remaining elements perform the same function as before. In re karlson, 136 UPSQ 184 (CCPA).

Also note Ex Parte Raine, 186 USPQ 375 (bd. App. 1969); omission of a reference element whose function is not needed would have been obvious to one skilled in the art.

This is a _provisional_ obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Allowable Subject Matter

6.   Claims 8-22, 28-30 and 32 are allowed. The prior art does not disclose or fairly suggest sending the registration signaling from the BS to the PCF, then to the PDSN, and finally to the AAA server.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Referring to the PTO Form 892, references are cited to show similar packet communication method and system.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEI-PO KAO whose telephone number is (571)270-3128. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2416

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Examiner, Art Unit 2416